



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR H.B. 2308

secretary of state; recusal

Purpose

Prohibits the Secretary of State (SOS) from personally performing any aspect of the election operations in an election in which the SOS is a candidate and exempts the SOS's constitutionally required duty to certify the statewide canvass from the prohibition.

Background

The SOS is the chief election officer of the state and must create an instructions procedures manual (EPM) on the procedures for voting and ballot processing (A.R.S. §§ [16-142](#) and [16-452](#)). The SOS must provide for the oversight and administration of secure and accurate elections. The SOS's Office certifies: 1) voting devices; 2) election results; 3) candidates; 4) measures to the ballot; and 5) the results of an election ([AZSOS](#)). The SOS must certify, to the Governor, the names of the individuals who receive the highest number of votes for an office at an election ([A.R.S. § 41-121](#)). The SOS must canvass the results for any election that includes a federal, statewide or legislative office, state appellate court judges and statewide ballot measures. The SOS must conduct the statewide canvass no later than 30 days after the election. Once the SOS has certified the election results, the official canvass must be published on the SOS's website. Additionally, an original signed canvass must be preserved as a permanent record ([EPM Ch. 13 \(II\)\(B\)\(2;3\)](#)). In the absence of the SOS, the SOS must appoint an assistant SOS who must perform the duties of the SOS ([A.R.S. § 41-122](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the SOS from personally performing any aspect of the election operations in an election in which the SOS is a candidate.
2. Exempts the SOS's constitutionally required duty to certify the statewide canvass from the prohibition on the SOS personally performing any aspect of election operations in an election in which the SOS is a candidate.
3. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Specifies that, except for the constitutional duty to certify the statewide canvass, the SOS is prohibited from personally performing any aspect of the election operations in an election in which the SOS is a candidate.

2. Removes the requirement that the SOS must announce the person in the SOS's Office who will perform the duties concerning the portions of an election in which the SOS is recused.

House Action

MOE	1/25/23	DP	7-3-0-0
3 <sup>rd</sup> Read	2/21/23		31-29-0

Senate Action

ELEC	3/6/23	DP	5-3-0
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Prepared by Senate Research

April 3, 2023

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